

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PARTEC AG and BF EXAQC AG,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 2:24-cv-00433-RWS

JURY TRIAL DEMANDED

**DEFENDANT MICROSOFT CORPORATION'S MOTION FOR THE COURT TO
ISSUE AMENDED LETTERS OF REQUEST (LETTERS ROGATORY) UNDER THE
HAGUE CONVENTION**

Pursuant to Fed. R. Civ. P. 28(b) and the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, Defendant Microsoft Corporation (“Microsoft”) respectfully requests that this Court issue the letters rogatory attached hereto as Exhibits 2–7 (“Amended Letters Rogatory”). The Amended Letters Rogatory solicit assistance from the German authorities to obtain evidence from Jülich Supercomputing Centre, Leibniz Supercomputing Centre, University of Heidelberg, Daniel Becker, Sebastian Rinke and Felix Wolf regarding the patents-in-suit,¹ which may be material to Microsoft’s defenses. The Amended Letters Rogatory were issued pursuant to D.I. 45 and 52 and were amended to meet requirements pursuant to German law.

Under the Hague Evidence Convention, a signatory may request that the competent authority of another signatory assist in obtaining evidence from its residents for use in judicial proceedings. The Hague Convention on the Taking of Evidence Abroad in Civil or Commercial

¹ U.S. Patent Nos. 10,142,156; 11,934,883; and 11,537,442.

Matters, art. 1, Mar. 18, 1970, 23 U.S.T. 2555, T.I.A.S. No. 7444 (“Hague Evidence Convention”); *see* 28 U.S.C § 1781(b)(2); *Société Nationale Industrielle Aérospatiale v. U.S. Dist. Ct. for the S. Dist. of Iowa*, 482 U.S. 522, 524 (1987). The United States and Germany are signatories to the Hague Evidence Convention. *See* Ex. 1 (Hague Conference on Private International Law, Conventions: Signatures, Ratifications, Approvals and Accessions, Status on 12 December 2024) at 1.

Here, depositions of the above-listed entities and individuals are relevant and necessary. Upon information and belief, the above-listed entities and individuals have information relating to the conception and reduction to practice of the patents-in-suit and the scope of the asserted claims of the patents-in-suit. Particularly, Plaintiffs claim that ParTec participated in various supercomputer projects with the above-listed entities to develop or implement in computer systems the dynamic Modular System Architecture (dMSA) that Plaintiffs allege to embody the claimed inventions of the Asserted Patents. *See* Attachments B–L.

The relevance of the evidence is explained in more detail in Microsoft’s Amended Letters Rogatory. *See* Ex. 2–7.

Accordingly, Microsoft requests that the Court grant this motion and issue the Amended Letters Rogatory attached as Exhibit 2–7. Microsoft further requests that, after the Court has signed the Amended Letters Rogatory, the Clerk of this Court authenticate the Court’s signature under the seal of this Court and return the original signed and sealed executed Amended Letters Rogatory, and two certified copies of each of the signed and sealed executed Amended Letters Rogatory, to Microsoft’s counsel, for delivery to the proper authority in Germany.

Dated: May 29, 2025

Respectfully submitted,

/s/ Betty Chen

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Counsel for Defendant
MICROSOFT CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document and attachment thereto have been served on all counsel of record via the Court's ECF system on May 29, 2025.

/s/ Melissa R. Smith

Melissa R. Smith